

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

GLENDORA,

Plaintiff,

vs.

1:07-CV-0940
(NAM)(RFT)

ERIC W. PRESS,

Defendant.

APPEARANCES:

Glendora
Plaintiff *Pro Se*

Norman A. Mordue, Chief U.S. District Judge

DECISION AND ORDER

Plaintiff commenced this action by filing a *pro se* complaint against defendant Press, a City Court Judge in the City of White Plains, New York, regarding plaintiff's dissatisfaction with court proceedings presided over by Judge Press in August 2007. *See* Dkt. No. 1. In its Order dated October 9, 2007, the Court found that:

With respect to Eric Press, the law in this Circuit clearly provides that "[j]udges enjoy ***absolute immunity*** from personal liability for 'acts committed within their judicial jurisdiction.' " *Young v. Selsky*, 41 F.3d 47, 51 (2d Cir. 1994) (emphasis added) (quoting *Pierson v. Ray*, 386 U.S. 547 (1967)). "The absolute immunity of a judge applies however erroneous the act may have been, and however injurious in its consequences it may have proved to the plaintiff." *Young*, 41 F.3d at 51 (internal quotations omitted).

Dkt. No. 3 at 2. Accordingly, the Court dismissed Judge Press as a party to this action. *Id.* at 3. In light of plaintiff's *pro se* status, and because it was unclear whether plaintiff was attempting to assert claims against other parties, the Court provided plaintiff the opportunity to submit an amended complaint. *Id.* After submitting her original complaint, plaintiff also submitted a motion seeking default judgment against defendant Press. Dkt. No. 2. By Order of Magistrate Judge Randolph F. Treece filed on October 10, 2007,

plaintiff's motion for default judgment was stricken from the docket as having been prematurely filed because defendant Press had yet to be served with the summons and complaint. Dkt. No. 4. On October 31, 2007, plaintiff submitted a motion (1) objecting to the Order signed by Magistrate Judge Randolph F. Treece striking plaintiff's motion for default judgment (Dkt. No. 5 at 1-25); (2) objecting to the return of certain papers she submitted to the Clerk of the Court and seeking a refund of the filing fee (*id.* at 26-32) and (3) for reconsideration of this Court's Order dated October 9, 2007 (*id.* at 33-97). In addition to these requests, plaintiff included in her submission what appeared to be discovery requests, or notices to admit, addressed to Magistrate Judge Treece, the Clerk of the Court, and the undersigned. *See* Dkt. No. 5 at 3-11, 18-23, 25-29, 37-61, and 67-97. By Order of this Court filed on November 2, 2007, Magistrate Judge Treece's October 10, 2007 Order was affirmed and plaintiff's remaining motions were denied. Dkt. No. 7. On November 20, 2007, plaintiff filed a Notice of Appeal to the Second Circuit Court of Appeals from this Court's November 2, 2007 Order. Dkt. No. 11. By Order and Mandate of the Second Circuit issued on January 24, 2008, and filed in this Court on February 1, 2008, plaintiff's appeal was dismissed. Dkt. No. 14. In its Order and Mandate, the Second Circuit stated as follows:

THE COURT NOTING that having sent a letter on November 28, 2007 in **07-5259-mv**, Glendora V. Press, that Glendora shall be required to petition the Court for leave to appeal prior to filing any future appeals,

THE COURT FURTHER NOTING that having failed to receive a motion for leave to appeal would result as a dismissal in this present matter,

IT IS HEREBY ORDERED that the above captioned case is dismissed for failure to comply with this Court's order.

Dkt. No. 14.

Now that plaintiff's appeal has been dismissed, if plaintiff wishes to proceed with this action, she **must** file an amended complaint in accordance with the October 9, 2007 Order of this Court and this Order.

The amended complaint must be submitted, if at all, on or before March 17, 2008. Failure of plaintiff to submit an amended complaint by March 17, 2008 may result in dismissal of this action, with prejudice. See Fed. R. Civ. P. 41(b).

In the event that plaintiff does submit an amended complaint, plaintiff is advised that the amended complaint **must comply with the Local Rules of Practice of the Northern District of New York, including Rule 10.1(a) which requires that all papers submitted to the Court be “single sided and double-spaced.”** Rule 10.1(a) also states that “[d]ocuments that do not comply with [its] requirements may be rejected upon order of the Court.”

WHEREFORE, it is hereby

ORDERED that plaintiff may file an amended complaint, if any, **on or before March 17, 2008**, and it is further

ORDERED that should plaintiff fail to comply with the terms of this Decision and Order, the Clerk return the file to this Court for further consideration, including whether this action should be dismissed, with prejudice, pursuant to Rule 41(b), and it is further

ORDERED, that upon full compliance by plaintiff with this Order as directed above, the file in this matter be returned to the Court for further review, and it is further

ORDERED that the Clerk serve a copy of this Decision and Order on plaintiff in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: February 11, 2008


Norman A. Mordue
Chief United States District Court Judge